



77752

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fogelson, Bruce A.

Serial No.: 09/483,579

Filed: January 14, 2000

For: BUILDERS ON-LINE  
ASSISTANT

Examiner: not yet assigned

Attorney  
Docket No.: 77752

I hereby certify that this paper is being deposited with the United States Postal Service as Express Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on this date.

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RESPONSE TO NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

On January 14, 2000, the above-identified patent application was filed in the name of three inventors. The three named inventors were Bruce A. Fogelson, Joel M. Fogelson and Cary Pearlman.

On March 24, 2000 a Notice to File Missing Parts of Nonprovisional Application was issued requesting a signed declaration from the inventors. Upon investigating the circumstances surrounding the invention, it was determined that the list of inventors was in error and that there was, in fact, only one true inventor, Bruce A. Fogelson.

On May 15, 2000 a Response (copy enclosed) to the Notice to File Missing Parts was filed with the U.S. Patent Office. The Response contained the signature of the only true inventor, Bruce A. Fogelson.

On June 19, 2000 a Notice of Incomplete Reply (Nonprovisional) was issued stating that the signatures of Joel M. Fogelson and Cary

Pearlman were missing from the oath or declaration. However, 37 CFR §1.48 (f)(1) clearly states that:

"If the correct inventors are not named on filing a nonprovisional application under §1.53(b) without an executed oath or declaration under §1.63, the later submission of an executed oath or declaration under §1.63 during the pendency of the application will act to correct the earlier identification of inventorship".

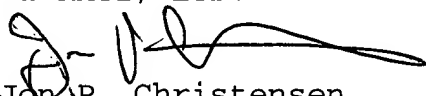
Since the signed declaration of May 15, 2000 was signed by the only true inventor, the Notice of Incomplete Reply is believed to be in error and should be withdrawn.

The Declaration filed on May 15, 2000 is believed to be in order and withdrawal of the Notice of Incomplete Reply is earnestly solicited. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to telephone applicant's undersigned attorney.

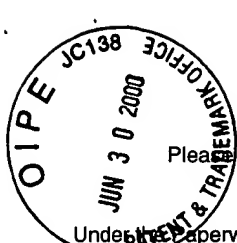
Respectfully submitted,

WELSH & KATZ, LTD.

By

  
Jon P. Christensen  
Registration No. 34,137

June 30, 2000  
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Approved for use through 09/30/2000. OMB 0351-0031  
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|   |                      |                        |       |
|---|----------------------|------------------------|-------|
| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number   | 09/483,579             |       |
|   | Filing Date          | April 14, 2000         |       |
|   | First Named Inventor | Fogelson               |       |
|   | Group Art Unit       | 3635                   |       |
|   | Examiner Name        | not yet assigned       |       |
| Total Number of Pages in This Submission  | 3                    | Attorney Docket Number | 77752 |

| ENCLOSURES (check all that apply)   |   |  |
|---|---|--|
| <input type="checkbox"/> Fee Transmittal Form<br><br><input type="checkbox"/> Fee Attached<br><br><input checked="" type="checkbox"/> Amendment/Response<br><br><input type="checkbox"/> After Final<br><br><input type="checkbox"/> Affidavits/declaration(s)<br><br><input type="checkbox"/> Extension of Time Request<br><br><input type="checkbox"/> Express Abandonment Request<br><br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)<br><br><input type="checkbox"/> Drawing(s)<br><br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><br><input type="checkbox"/> Small Entity Statement<br><input type="checkbox"/> Request for Refund | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notices, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Return Receipt Postcard<br><br><input type="checkbox"/> Additional Enclosure(s) (please identify below):<br><div style="border: 1px solid black; height: 40px; width: 100%;"></div> |
| Remarks   |   |  |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |   |
|--|---|
| Firm or Individual Name                    | Jon P. Christensen, Registration No. 34,137 |
| Signature                                  |   |
| Date                                       |   |

| CERTIFICATE OF MAILING  |              |      |   |
|---|--------------|------|---|
| I hereby certify that this correspondence is being deposited with the United States Postal Service as <u>express mail in an envelope</u> Addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on this date: <div style="border: 1px solid black; padding: 2px;">June 30, 2000</div> |              |      |   |
| Express Mail Label No. EL642289134US  |              |      |   |
| Typed or Printed Name   | Connie Jacox |      |   |
| Signature   |              | Date | <div style="border: 1px solid black; padding: 2px;">6-30-00</div> June 30, 2000 |

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